

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 3055 of 2005

Between:

M. Hanumanthappa S/o. Muniswamappa,
R/o. M.B. Road, Kumbarpeta, Kolar, Karnataka State.

..... PETITIONER

AND

- 1 The Secretary, Regional Transport, Authority, Chittoor.
- 2 Motor Vehicles Inspector, Palmaner, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other writ, order or direction, declaring the action of the 2nd respondent in seizing the petitioner's vehicle bearing Registration No. KA.01/8105 under check report No. 2231602 dt. 15-2-2005 as illegal and arbitrary and further direct the respondents to release the said vehicle forthwith.

Counsel for the Petitioner:MR. NOUSHAD ALI

Counsel for the Respondent: GP FOR TRANSPORT

The Court at the admission stage made the following O R D E R:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the second respondent in seizing and detaining the petitioner's vehicle bearing Registration No. KA.01/8105 under check report No. 2231602 dated 15.02.2005 as illegal and arbitrary and consequently direct the respondents to release the vehicle of the petitioner forthwith.

The vehicle in question belonging to the petitioner was seized on 15.02.2005 by the second respondent on the ground of certain irregularities alleged to have been committed by the petitioner, which are mentioned in the vehicle check report No.2231602.

Having regard to the facts and circumstances of the case, I consider it appropriate to dispose of the writ petition directing the respondents to forthwith release the subject motor vehicle to the interim custody of the petitioner subject to the petitioner depositing Rs.10,000/- (Rupees Ten Thousand Only) and on filing an undertaking to the effect that he would not alienate, sell, encumber or transfer the vehicle in question in favour of third parties, pending enquiry before the first respondent and he shall furnish the vehicle as and when required by the respondent-authorities in the course of enquiry and investigation. The amount so deposited shall be subject to the outcome of the proceedings that may be initiated against the petitioner.

Accordingly, the writ petition is disposed of. No costs.

21.02.2005

Note:Wire at party's cost

bo

usd

To

1. The Secretary, Regional Transport, Authority, Chittoor.
2. The Motor Vehicles Inspector, Palmaner, Chittoor District.
3. Two CCs to G.P. for Transport, High Court of A.P., Hyderabad
(OUT).
- 4 Two CD copies.

